

INDIANA PUBLIC DEFENDER COMMISSION

MINUTES

August 29, 2001

At 3:09 p.m., Chairman Lefstein determined that a quorum was present and called the meeting to order. Present were Commission members, Judge Daniel Donahue, Les Duvall, Rep. Ralph M. Foley, Monica Foster, and Bettye Lou Jerrel. Members Rebecca McClure and Sen. Richard Bray joined the meeting shortly thereafter. Also present were Steve Owens, Chief Public Defender of Vanderburgh County, Larry Landis and Tom Carusillo.

1. Staff reported a bookkeeping error that impacted on the decision made in June of 2001 to pay suspended claims in full. The deposits to the Fund which occur in December and June of each year were reported in the balance of the Fund account the preceding July. As a result, when the determination was made to pay claims in full in June of 2001, taking into account the deposit due June 30, an error was made since those funds had already been included in the Fund balance. The net result is that suspended claims should have been prorated in June 2001. A discussion was had concerning possible solutions. Ms. Jerrel questioned whether additional money might be available in the next session of the Legislature. The legislative members unanimously agreed this was unlikely. Judge Donahue and Chairman Lefstein shared the sentiment that the issue be dealt with when the full impact on future reimbursements was apparent. Ms. Foster suggested that efforts to attract new counties to participate in the program should be curtailed. The Commission consensus was that a letter from the chairman should be sent to counties alerting them of the situation, that further recruitment should be halted and that the question of dealing with the shortfall be taken up when a clearer picture emerged.
2. The minutes from the April 18, 2001 meeting were reviewed and approved.
3. The Commission scheduled its next meeting for December 5, 2001 at 3:00 p.m.
4. The Commission next took up the capital and noncapital claims of Vanderburgh County. Theses were approved as recommended.
5. The Commission approved reimbursements in capital cases as follows:

COUNTY	DEFENDANT		TOTAL
Adams	Lichtenberger		\$5,048.00
Fountain	Wilburn		\$26,465.06
Greene	Leone		\$6,012.81
Knox	Whipps		\$7,230.28
Marion	Barker		\$22,106.53
Vanderburgh	Prowell		\$1,031.03
TOTAL			\$67,893.71

6. The Commission approved reimbursements in non-capital cases as follows:

COUNTY	PERIOD COVERED	TOTAL EXPENSE	ADJUS'T	ADJUS'D EXPEND.	40% REIMB.
ADAMS	09/26/00-06/30/01	103,905.45	17,024.12	\$86,881.33	\$34,752.53
BENTON	03/30/01-08/06/01	\$14,107.28	\$1,035.00	\$13,072.28	\$5,228.91
BLACKFORD	03/01/01-06/30/01	\$17,635.50	\$0.00	\$17,635.50	\$7,054.20
CARROLL	04/01/01-06/30/01	\$17,643.77	\$4,998.30	\$12,645.47	\$5,058.19
CLARK	01/01/01-06/30/01	\$197,478.25	\$7,899.13	\$189,579.12	\$75,831.65
FAYETTE	01/01/01-06/30/01	\$108,165.33	\$0.00	\$108,165.33	\$43,266.13
FLOYD	04/01/01-06/30/01	\$65,320.65	\$0.00	\$65,320.65	\$26,128.26
FOUNTAIN	01/01/01-06/30/01	\$28,677.39	\$4,301.61	\$24,375.78	\$9,750.31
GREENE	04/01/01-07/31/01	\$61,540.24	\$0.00	\$61,540.24	\$24,616.10
HANCOCK	04/01/01-06/30/01	\$49,898.90	\$0.00	\$49,898.90	\$19,959.56
HENRY	04/01/01-08/01/01	\$71,121.92	\$79.00	\$71,042.92	\$28,417.17
JASPER	11/01/00-08/06/01	\$91,011.78	\$25,483.30	\$65,528.48	\$26,211.39
JENNINGS	03/01/01-06/30/01	\$18,309.05	\$650.00	\$17,659.05	\$7,063.62
KNOX	04/01/01-06/30/01	\$67,958.58	\$0.00	\$67,958.58	\$27,183.43
LAKE	04/01/01-06/30/01	\$514,103.33	\$0.00	\$514,103.33	\$205,641.33
LAPORTE	04/01/01-06/30/01	\$92,212.48	\$0.00	\$92,212.48	\$36,884.99
MADISON	01/01/01-06/30/01	\$726,467.32	\$277.27	\$726,190.05	\$290,476.02
MARION	01/01/01-06/30/01	\$1,875,289.81	\$7,239.81	\$1,868,050.00	\$747,220.00
MIAMI	04/01/01-06/30/01	\$60,311.22	\$13,871.58	\$46,439.64	\$18,575.86
MONROE	04/01/01-06/30/01	\$79,401.00	\$19,592.56	\$59,808.44	\$23,923.38
NOBLE	04/18/01-06/30/01	\$42,436.49	\$0.26	\$42,436.23	\$16,974.49
PARKE	04/01/01-06/30/01	\$22,092.33	\$0.00	\$22,092.33	\$8,836.93
PULASKI	04/01/01-06/30/01	\$24,156.75	\$4,745.82	\$19,410.93	\$7,764.37
RUSH	04/18/01-07/30/01	\$46,018.77	\$37,865.72	\$8,153.05	\$3,261.22
SCOTT	04/01/01-08/06/01	\$77,561.78	\$19,390.45	\$58,171.33	\$23,268.53
SHELBY	03/21/01-07/25/01	\$70,901.39	\$0.00	\$70,901.39	\$28,360.56
SPENCER	03/29/01-07/24/01	\$13,205.68	\$0.00	\$13,205.68	\$5,282.27
STEUBEN	04/01/01-06/30/01	\$59,151.63	\$10,647.29	\$48,504.34	\$19,401.74
SULLIVAN	03/21/01-08/06/01	\$11,922.50	\$3,338.30	\$8,584.20	\$3,433.68
SWITZERLAND	01/01/01-07/02/01	\$39,490.73	\$699.00	\$38,791.73	\$15,516.69
UNION	01/01/01-07/31/01	\$9,103.53	\$0.00	\$9,103.53	\$3,641.41
VANDEBURGH	01/01/01-06/30/01	\$649,274.78	\$10,932.83	\$638,341.95	\$255,336.78
VIGO	04/01/01-06/30/01	\$227,486.42	\$77,345.38	\$150,141.04	\$60,056.42
WARREN	04/01/01-07/31/01	\$12,374.08	\$0.00	\$12,374.08	\$4,949.63
WASHINGTON	04/01/01-06/30/01	\$30,097.14	\$6,922.34	\$23,174.80	\$9,269.92
WHITE	01/01/01-06/30/01	\$30,275.66	\$6,330.51	\$23,945.15	\$9,578.06
WHITLEY	01/01/01-06/30/01	\$75,238.82	\$17,304.93	\$57,933.89	\$23,173.56
TOTAL		\$5,701,347.73	\$297,974.51	\$5,403,373.22	\$2,161,349.29

Judge Donahue abstained from consideration of the claim from Clark County. The

Commission disapproved reimbursement to Rush County for self-insured medical claims. The Commission's policy will be to reimburse county's for insurance premiums, but to not reimburse self-insured payments. The consensus was that the Commission could not risk becoming an insurer, even at just a 40% rate.

7. The Commission next considered the question of Marion County's compliance with Commission standards. The Commission's conclusion was that Chairman Lefstein should send notice, as provided by statute, informing the county that unless substantial steps were taken to become compliant, the county's eligibility for reimbursement would be terminated December 31, 2001.
8. The Commission then considered the question of Madison County's compliance. This matter was tabled until the next meeting in order for the Commission to consider a change to its juvenile caseload standard, which could impact on Madison County's compliance.
9. The Commission then discussed two issues arising out of Lake County. The Commission concluded that Lake County's proposal to pay conflict attorneys at an hourly rate with a cap was not consistent with Commission standards and would not be approved. The Commission also reiterated its refusal to reimburse for self-insured claims, in this case a malpractice claim.
10. The Commission then approved the comprehensive plans of Perry and Pike counties, both of which provided for attorneys to be assigned at an hourly rate of \$70 per hour.
11. The Commission again rejected the submission from Allen County, citing the provision in the county ordinance giving one judge sole appointment over judicial board members, and providing they serve at the judge's pleasure. These terms are not consistent with the Commission's standard.
12. Finally, the Commission reviewed the annual report. Chairman Lefstein is to sign a cover letter describing the Commission's financial position to accompany the distribution of the report.
13. The next meeting of the Commission is set for Wednesday, December 5, 2001, at 3:00 p.m. in **South Tower, Room 1071**, (formerly Room 1088) 115 West Washington Street, National City Center, Indianapolis, Indiana.

Norman Lefstein, Chairman

Date